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STORY & CLARK PIANO
NOT SURPRISING THEY'RE IN
GREAT DEMAND! IS IT?

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355 WARASH AVE. CHICAGO

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SOLE AGENTS,
HAWAIIAN ISLANDS.

Good Chance

DON'T FAIL
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Grand Reduction Sale!

Silk Goods, Fine Dry Goods, Etc.

Nuuanu Street, next to Central Market.

Will Make Your Clothes

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Ebony Furniture,
Cigars and Tobaccos,
Chinese and Japanese Teas,
Crockery, Mattings,
Vases, Camphorwood Trunks,
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J. E. GOEAS,

Corner Beretania and Emma Sts.

Pancy & Staple Groceries

NEW STORE.
NEW GOODS.

There's your chance to try our store
when you go to housekeeping.
PROMPT DELIVERY to all parts of
the city.

Telephone Blue 2312.

NEW MAP OF OAHU

By JAS. T. TAYLOR, M. Am. Soc. C. E.
38 x 52 Inches.

Copies can be obtained from Mr.
Taylor, 206 Judd building, or Hawaii-
an News Company.

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Tuned, Repaired and Polished
Prof. W. E. SHARP

Leave orders at Thrum's Bookstore
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THE SILENT BARBER SHOP
Are Thoroughly Disinfected Before
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Fresh California Fruit

PEACHES, APRICOTS, APPLES AND
ORANGES.

OCCIDENTAL FRUIT STORE

Phone 149. Alakea and King Sts.

Custom House Blanks.

Of All Kinds.

HAWAIIAN GAZETTE COMPANY



At Auction

THURSDAY, AUG. 29, 1901,

AT 10 O'CLOCK A. M.,

I will offer at auction to the highest
bidder a leasehold of property situate
on Beretania street near River street,
being two lots, as follows:

Lot No. 1, size 44 feet front by about
48 feet deep.
Lot No. 2, 79 feet front by about 50
feet deep.

Term of lease 18 years. Full particu-
lars at my office.

This property will be sold to the high-
est bidder at a monthly rental.
Diagram of the above property on ex-
hibition at my salesroom, corner of
Merchant and Alakea streets.

Sale takes place promptly at 10
o'clock on the premises, corner of Bere-
tania and River streets.
Also leasehold of property on Bere-
tania, Ewa of River street; size 47 1/2 by
about 80 feet deep. Term of lease, 5
years. Rental, \$15 per month.

This property contains a number of
buildings which net a monthly rental
of \$60.

WILL E. FISHER,
AUCTIONEER.

At Auction

SATURDAY, SEPT. 7, 1901,

AT 12 O'CLOCK NOON,

At my salesroom, corner Merchant and
Alakea streets, I will sell by order of
HON. M. M. ESTEE, Judge United
States District Court of the Territory
of Hawaii, subject to approval of the
court, that property situate at Puna-
hou, corner Hastings street, opposite
Punahou College, consisting of

Two 2-Story Houses,

Containing seven and eight rooms res-
pectively.

Each piece of property, being in size
75x125 feet, will be sold separately.
ENTIRELY FREE OF INCUM-
BRANCES, which insures an opportu-
nity for a bargain.

Premises may be inspected at any
time.

WILL E. FISHER,
AUCTIONEER.

At Auction

SATURDAY, SEPT. 14, 1901,

By order of JAMES A. THOMPSON,
ESQ., Commissioner, I will offer for sale
the real estate known as the LAZAR-
US PROPERTIES. Description, terms
and particulars advertised elsewhere in
this paper.

WILL E. FISHER,
AUCTIONEER.

Sheriff's Sale

-OF-

Valuable Rice and Kalo Land

In pursuance of an execution issued
out of the Circuit Court, First Circuit,
Territory of Hawaii, on the 9th day of
August, A. D. 1901, in re matter of
Kwong Mow vs. Kiliona, I have levied
the real property of said Kiliona on
this 20th day of August, A. D. 1901, and
shall expose said property for sale at
Public Auction to the highest bidder,
at the Hauula Court House, at Koolau-
loa, Island of Oahu, at 12 o'clock noon,
of Thursday, the 19th day of Septem-
ber, A. D. 1901, unless the judgment,
amounting to \$1,314. interest, cost and
my expenses are previously paid. Said
property levied upon being to wit:

A valuable rice or kalo land situated
at Punaluu, Koolauloa, Island of Oahu.
Royal Patent No. 3953, L. C. A. No.
7694, 60 Kahaleanuu. Area 8.15 acres,
more or less.

FRANK PAHIA,
Deputy Sheriff of Koolauloa, Island of
Oahu.

HEALDS

The leading Business College in the
West (estab. 40 years.) Send for free
catalogue. 34 Post street, San Fran-
cisco, California.

PANORAMA VIEWS

OF THE PALL, HARBOR, CITY,
PUNCHBOWL, ETC.,

taken by.....

RICE & PERKINS,

144 Beretania St., are for sale at Wall,
Nichols Co.

Wing Hing Lung Co.

No. 46 HOTEL STREET.
IMPORTERS OF GENERAL MER-
CHANDISE.

Wong Tow, Manager, holds power of
attorney to act for this firm in all
matters.

NEW WRITS ARE ASKED

Wade and Osaki
May be Re-
leased.

NO APPEALS IN THEIR CASES

Registrar Thrum Sued for \$10,000
by Nakuina—Newspaper's
Evidence of Value.

Judge Gear granted two more applica-
tions for writs of habeas corpus yester-
day to prisoners released by him pre-
viously, and who were rearrested by
High Sheriff Brown. The two men in
question, Chida Mahzaboro and George
Wade, are prisoners released after the
other cases had been presented to the
Supreme Court, and consequently not
considered in the appeal. Both these
men are self-confessed murderers, and
a role prosequi was entered in the
Police Court yesterday morning by the
Attorney General as to the warrants
upon which they were arrested after
their release by Judge Gear.

The application for new writs was
presented to the court yesterday after-
noon by Attorney Brooks for Chida and
by Attorney Andrews for Wade. It is
based on precisely the same grounds
that the first writ was issued upon,
with the added statement that these
men had once been released by Judge
Gear, and are restrained in spite of his
order. The writs were signed by Judge
Gear and are made returnable at 9:30
o'clock this morning.

Aside from the question of release of
these men, the far more interesting
proposition will be considered, as to
whether or not the Circuit Court will
follow the decision of the Supreme
Court as handed down Monday in the
habeas corpus appeals. Nolle prosequi
was entered by the Attorney General
in Police Court yesterday in all these
cases upon the supposition that the de-
cision of the Supreme Court acted as a
supersedeas as to the order of the lower
court, and consequently these men
would be held under the old convictions.
On the other hand, the defendant's
claim that these two men have not
had their cases appealed, and cannot
be included in the order of the court
allowing appeals, and holding the pris-
oners under the first convictions. An-
other point raised is that the questions
involved in the release of Wade and
Chida were not passed upon by the Su-
preme Court, namely that of conviction
without grand jury presentation.

The Attorney General has, however,
given notice of appeal in these cases,
and as the court has held that he has
a right to appeal, Judge Gear will have
to consider that point or ignore the de-
cision of the higher court. If he orders
their release he will perhaps fix bail for
them. At present the men are held un-
der the old mittimus, which the peti-
tioners allege is impossible, the court
having ordered their release on habeas
corpus, and his opinion in at least these
two cases having not been directly
passed upon by the Supreme Court.

UNITED STATES A PARTY.

United States Attorney Baird is made
a party to the Osaki habeas corpus case
filed before Judge Estee, as represent-
ing the United States. He was served
with the papers yesterday, as was also
Deputy Attorney General Cathcart, for
the Territory. The writ is made re-
turnable September 3. Judge Estee sent
for copies of the decisions in the insular
cases and will spend his vacation in a
study of the case, the status of the Ter-
ritory of Hawaii, and other matters of
importance which will be presented in
the case.

An appeal may be taken from his ac-
tion in the matter to the Circuit Court
of Appeals at San Francisco, either by
the Territory or the petitioner, so it
appears that the matter is likely to be
carried further, even if no appeal is
taken from the decision of the Supreme
Court of Hawaii.

If Judge Estee discharges the pris-
oners and the Territory should attempt
to re-arrest them under new warrants,
the decision of the Supreme Court
might operate to release them, as hav-
ing been twice in jeopardy, though on
the other hand it is urged that the
United States Court ruling would take
precedence, and the men might be ar-
rested and tried on proper presentation
to the Circuit Court.

There is one man, Ah Quong, who is
held under the old mittimus and whose
case has not been presented for a sec-
ond time to Judge Gear. If the other
men are discharged today he will prob-
ably seek his release on the same
ground.

Wade is the man who pleaded guilty
to the murder of Steward Gillespie of
the Australia, and Chida is one of the
Kahuku rioters serving a twenty-year
sentence.

HALL SPENDTHRIFT CASE.

Judge Gear heard the evidence in the
Hall spendthrift case yesterday morn-
ing, and at the conclusion said that he
would give his decision today, intimat-
ing, however, that he would comply
with the request of petitioner and ap-
point George Carter as guardian of the
boy, who from his own admission has
an uncontrollable mania for gambling
and drinking. William Hall is the
same young man who was trying to se-
cure the cancellation of a valuable
lease given to C. Winam, a few weeks

ago, on the ground of undue influence.
The petition for a spendthrift trust is
filed by the boy's aunt. He has an es-
tate of nearly \$100,000, and admits that
unless he is placed in restraint he will
spend it all for drink and gambling.
The court did not wish the boy placed
under guardianship because of the
revelations made in the Love case, and
warned the boy that he might have
trouble in having the trust terminated
again, as soon as he wished. The court
suggested that a trustee be appointed,
but the boy said he preferred a guar-
dian, as then he could not squander his
estate.

The boy's aunt did not know much
about his spending abilities, and the
court questioned her closely. "If what
the boy said at the previous trial is
true," remarked the court, "he is a re-
markably good subject for a spendthrift
trust. At that time he said that if he
sold his property for \$100,000 he would
spend it all for drinking and gambling."

"Do you consent to this spendthrift
trust?" asked the court.

"I think it is better for me," replied
Hall.

"Do you admit wasting your estate in
debauchery and drunkenness?"

"Yes, sir."

"Are you doing this with the inten-
tion of saving the estate for yourself?"

"Yes, sir."

"There are other ways of saving your
property, the appointment of a trustee,
for instance; would you rather have
that?"

"I want a guardian appointed; I be-
lieve it will be better."

"Remember, now, this guardian will
control not only your property, but
your person; he can say where you
shall live."

"Yes, sir."

"When did you get drunk last?"

"Three weeks ago."

"When did you gamble last?"

"Six or seven months ago."

"How much did you lose?"

"Not very much; about sixty dol-
lars."

"How long have you been drinking?"

"I used to drink before, but not much.
I commenced about the time I left my
wife."

"Is that what made you drink?"

"No, sir; I fell in with bad compan-
ions."

"What if you got \$100 a week? Would
you stay drunk all the time?"

"I might if I fell in bad company."

"You may come before another court
asking for the discharge of your guar-
dian, and he may not do it."

The court then requested the presence
of the prospective guardian, George
Carter, and advised him as to what
would be expected if he was appointed.

In this instruction the court plainly in-
timated that there might be an order
for the discharge of Magoon in the
Love case, and he referred to that
matter several times.

He said in part, "The guardian in a
spendthrift trust isn't authorized to use
all the income to add to the principal."

"What good will it do after the man
is dead?" asked Mr. Carter.

"I don't know; some guardians think
that is the proper way. I will advise
that Mr. Hall be allowed all his income.
This court will not act as an aider and
abettor to any effort to pile up the prop-
erty in trust for posterity. As you
know from the events of the past week,
a man with an estate of \$50,000 was al-
lowed but four dollars a week. This is
not a reflection upon you, Mr. Carter.
Under the law the court cannot take
away both property and income. The
income is of course governed by the
amount of the estate. Some men can
enjoy themselves on smaller incomes
than others, but this should not affect
the allowance which is limited only by
the amount of the property. Some men
enjoy themselves in one way; some in
another. If a man like horses he should
be allowed to enjoy them if he has the
income, and not like in the Love case,
where objection was made to his buying
a horse at auction."

"Some people have large incomes and
save it all. A former judge allowed
Love but four dollars a week; that may
have been sufficient for spending money
for that judge, but it wouldn't be suf-
ficient for this court. The income should
be given to the ward to be spent as he
sees fit."

The order appointing Mr. Carter as
guardian will probably be made this
morning.

REGISTRAR THRUM SUED.

Former Deputy Registrar Moses K.
Nakuina has entered suit against Reg-
istrar Thrum for the sum of \$10,000
damages for alleged injuries growing
out of the discharge of the deputy by
his chief, and statements alleged to
have been made by him at that time.

The following are the facts set out in
the petition as grounds for the com-
plaint:

I. That the defendant is a resident of
Honolulu, Island of Oahu, Territory of
Hawaii, and now is and during all the
times hereinafter mentioned was the
Registrar of Conveyances in and for the
Territory of Hawaii.

II. That on the 30th day of July, 1901,
the plaintiff was and for years prior
thereof had been the Chief Deputy Reg-
istrar of Conveyances in and for the Ter-
ritory aforesaid but on the said last
named day he was, by the said defend-
ant, discharged from his said position
and is no longer the holder thereof.

III. That on the said 30th day of July
the said defendant in the position of re-
gistrar from said position wickedly and
maliciously intending to defame and in-
jure the said plaintiff in his fame and
reputation and good name and to bring
him into public scandal, disgrace, abhor-
rence, odium, hatred, contempt and
ridicule made and published in the pres-
ence of third parties certain false and
defamatory statements of and concern-
ing the plaintiff and among others in
words and language as follows: "That
Nakuina has been troubled with the 'Big
head.'" (Meaning thereby that plaintiff
was possessed of a vain, self-flattering
conception of his own accomplishments
and so abounded in personal egotism
that his duties became distasteful to him
as beneath his dignity and accomplish-
ments rendering him unfit for the per-
formance of his said duties.) "That per-
haps he aspired to the position of re-
gistrar." (Meaning thereby that plaintiff
was Chief Deputy Registrar and con-
fidential clerk of said defendant and was
unfaithful to such confidence and em-
ployed his knowledge gained by such con-
fidence and subverted and used his position
as Chief Deputy Registrar for ulterior
means of having said defendant removed
from office and thereby gain and obtain
the position of Registrar of Conveyances
of the Territory of Hawaii in the place
of said defendant.) "That for the last
three or four months Nakuina has been
conducting himself in the office in
anything but an agreeable manner. He
has been taking his own time about

things and has absolutely failed to re-
member his position and the duties
thereof." (Meaning thereby that for the
last three or four months the said plain-
tiff was tardy and dilatory in the per-
formance of his duties and was remiss in
the observance of his duties as a Chief
Deputy Registrar and conducted himself
as not befitting a Chief Deputy Registrar
but usurped the power of his superior
officer the said defendant herein, thereby
neglecting his duties and unfitting him
for the observance of his duties as a
Deputy and the prompt and efficient per-
formance thereof.) "I fear very much
that the whole affair is a conspiracy and
that race prejudice must be at the bot-
tom of the business." (Meaning thereby
that plaintiff with other employees of the
office of the Registrar of Conveyances
had maliciously and fraudulently conspi-
red and were maliciously and fraudu-
lently conspiring to injure wrongfully the
said defendant in his business of Reg-
istrar of Conveyances of the Territory of
Hawaii.) "That the insubordination of
Nakuina was the result of a conspiracy." (Meaning thereby that plaintiff was re-
bellious and mutinous and disobeyed the
orders of the said defendant and failed,
neglected and refused to perform his
duties and that rebellion, mutiny and
disobedience of said orders and neglect,
failure and refusal to perform said
duties was in accordance with a plan
and conspiracy of the said plaintiff with
others to injure wrongfully the said
defendant in his business and to injure
wrongfully the office with which plaintiff
was connected.) "That Nakuina stirred
up revolt among the copyists in the office
who are all Native Hawaiians and it was
the desire of all of them to be rid of me." (Meaning thereby that plaintiff was un-
faithful, inconstant and fickle in his
trust of position of Chief Deputy impos-
ed on him by said defendant and that
as Chief Deputy and one in authority in
order that the said defendant be occa-
sionally annoyed and to be unable to
properly conduct the business of Regis-
trar of Conveyances and thereby be
forced to resign or be removed or other-
wise lose his said position agitated dis-
satisfaction among the employees of said
office, to-wit: the copyists, thereof. That
the said copyists ignored, denied and dis-
claimed authority of the said defendant
as Registrar of Conveyances and refused
to obey orders of said defendant and per-
form their duties as such copyists.) "That
Nakuina has entertained a deep hatred
for me and has lost no opportunity
to create dissatisfaction among the
employees." (Meaning thereby that
plaintiff was disloyal to his chief and en-
deavored to and caused his fellow em-
ployees also to become disloyal.)

IV. That plaintiff avers that the said
statements as made by the said defend-
ant were wholly false and untrue and
that said defendant knew that they were
false and untrue at the time of making
and publishing the same.

V. That plaintiff avers that the acts
and words by and on the part of the
defendant were contrary to the rights
of the plaintiff under the law and said
and published to bring the plaintiff into
disgrace, abhorrence, odium, hatred, con-
tempt and ridicule within the community
in which he lived and the country at
large and did so injure him and cause
him to lose the respect of the com-
munity that the said plaintiff has been
unable to secure employment and has
suffered great pain of mind and body
and injury to his standing in the com-
munity by reason of said false and de-
famatory statements.

VI. That by reason of all and the
premises plaintiff has been damaged in
the sum of Ten Thousand (\$10,000) Dollars.
Wherefore plaintiff prays judgment
against defendant in the sum of Ten
Thousand (\$10,000) Dollars and asks that
process issue from this Honorable Court
clinging the said defendant to appear and
answer this complaint before a jury of
the country at the November term of
this Court, 1901, unless sooner disposed
of by Judicial authority.

Dated at Honolulu this — day of Aug-
ust, 1901.

MOSES K. NAKUINA,
Andrews, Peters & Andrade, attorneys
for plaintiff.

HARRISON-MAGOON.

In the case of Harrison vs. Magoon
et al., L. C. Ables, one of the defend-
ants, was on the stand during the en-
tire day, and gave much testimony
relating to the trade in Australian sheep,
and also as to the contract made by the
Hague Cure Company. Ables was asked
as to the market value of the sheep in
question, but was not allowed to an-
swer, upon his admission that his
knowledge as to values had been gained
by inquiry from people who knew
and from the newspapers. "The news-
papers are the best evidence as to
that," remarked the court in sustaining
the objection; "if you can bring the
newspapers of the date in question into
court they will be admitted as showing
the market value of the sheep at that
time."

The case was still on trial when ad-
judgment was taken, the attorneys
having not concluded after discussion
of over an hour, as to the admissibility
as evidence of a letter received by
Ables bearing upon the contract. The
case will be taken up again today.

COURT NOTES.

Nolle prosequi was entered by Deputy
Attorney General Cathcart yesterday in
the case of half a dozen Chinese
charged with assault and battery, the
prosecuting witness having disappeared.

A divorce suit has been filed by Pia-
akano against Uwin. Desertion is al-
leged.

Judge Gear has granted the applica-
tion of J. Elena Kahaawe for permis-
sion to examine and withdraw papers
in the estate of J. K. Kahookano, held
by the administrator.

Judge Little of the Fourth Circuit
Court of Hawaii will hear cases next
week in which Judge Gear is disquali-
fied.

An order was made in the estate of
H. A. P. Carter yesterday, allowing
\$750 premiums paid on Government
bonds to be charged to the principal.

Jury is waived in the case of E. S.
Cunha vs. Hawaii Land Co., assumpsit,
and the trial will be held Thursday.

Man's Likeness

If you want a photograph that
will represent you as you are,
we know you'll like what we
make for you. There's artistic
merit in them, too.

They are mounted in the late
oval style, and are just the
thing.

TAKE THE

ELEVATOR FOR